

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTIAN POWELL

Plaintiff,

-vs-

CITY OF JAMESTOWN
CITY OF JAMESTOWN CLERK
JAMESTOWN POLICE DEPARTMENT
JAMESTOWN POLICE CHIEF TIMOTHY JACKSON
COUNTY OF CHAUTAUQUA
CHAUTAUQUA COUNTY SHERIFF'S OFFICE
CHAUTAUQUA COUNTY SHERIFF
JAMES B. QUATTRONE

21-CV-00721

in his individual and official capacity
CHAUTAUQUA COUNTY UNDERSHERIFF
DARRYL W. BRALEY
JOHN DOES 1-10, said names being fictitious
but intended to be any other individual/officers
involved in the within incident and employees of the
CITY OF JAMESTOWN and/or JAMESTOWN
POLICE DEPARTMENT in their individual and official capacities
JOHN DOES 1-10, said names being fictitious
but intended to be any other individual/officers
involved in the within incident and employees of the
COUNTY OF CHAUTAUQUA and/or CHAUTAUQUA
COUNTY SHERIFF'S OFFICE in their individual and official capacities

Defendants.

NOTICE OF MOTION

NATURE OF ACTION: 42 USC 1983 claims and state torts.

MOVING PARTIES: Plaintiff, CHRISTIAN POWELL

MOTION DIRECTED TO/AGAINST: Defendants

DATE AND TIME: To be determined by the Court.

PLACE: United States District Court for the Western District of New York, U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202

SUPPORTING PAPERS: Notice of Motion, dated September 15, 2023; Declaration of Blake Zaccagnino, Esq. dated September 15, 2023; Memorandum of Law in Support of Motion by the Plaintiff with Exhibits seeking an order allowing the Plaintiff to amend/correct his complaint to identify and substitute the named officers/employees for the John Doe Defendants, and also to conform it to this Court's Decision and Order (motion to dismiss) (Dkt. No. 24 dated June 3, 2022)

ANSWERING PAPERS: To be filed and served in accordance with the Court's briefing schedule.

REPLY PAPERS: Plaintiff intends, if need be, to file and serve reply papers, in accordance with the Court's briefing schedule.

RELIEF REQUESTED: An order pursuant to Rule 15(a), 16(b), and Rule 21 of the Federal Rules of Civil Procedure seeking an order allowing the Plaintiff to amend/correct his complaint to identify and substitute the named officers/employees for the John Doe Defendants, and also to conform it to the Court's Decision and Order (motion to dismiss) (Dkt. No. 24 dated June 3, 2022), upon the grounds detailed within the accompanying declaration of counsel and memorandum of law; and, for such other further and different relief, not consistent herewith, as may be just, equitable, and proper.

ORAL ARGUMENT:

Only as may be ordered by the Court.

Dated: September 15, 2023
Hamburg, New York

Yours, etc.,

SHAW & SHAW, P.C.

/s/Blake Zaccagnino
Blake Zaccagnino
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